

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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OSCAR GARNER,

Plaintiff,

v.

PETER HUIBREGTSE, Warden; RUBIN ASCH,  
Psychiatric Head; RANDY GAGE, Psychologist;  
GARY MAIER, Psychiatrist; CHARLES  
YUNGHANS, Psychologist; and SHANNON  
SHARPE, Crisis Worker;

Defendants.

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ORDER

09-cv-301-slc

Plaintiff Oscar Garner, a prisoner at the Waupun Correctional Institution in Waupun, Wisconsin, has submitted a proposed complaint. He requests leave to proceed *in forma pauperis*. A decision on the request will be delayed until plaintiff pays an initial partial payment of the \$350 filing fee as required by 28 U.S.C. § 1915(b) and the 1996 Prison Litigation Reform Act. Plaintiff's initial partial payment cannot be calculated at this time because he has not submitted a trust fund account statement with his complaint.

Plaintiff's complaint was submitted on April 30, 2009. His trust fund account statement should cover the six-month period beginning approximately October 30, 2008 and ending approximately May 1, 2009. Once plaintiff has submitted the necessary statement, I will calculate his initial partial payment and advise him of the amount he will have to pay before the court can screen the merits of his complaint under 28 U.S.C. § 1915(e)(2).

ORDER

IT IS ORDERED that plaintiff may have until June 3, 2009, in which to submit a trust fund account statement for the period beginning approximately October 30, 2008 and ending approximately May 1, 2009. If, by June 3, 2009, plaintiff fails to respond to this order, I will assume that he wishes to withdraw this action voluntarily and, in that case, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 19<sup>th</sup> day of May, 2009.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge